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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,313	03/22/2001	Thomas Alexander Aber	END9 0175 US1	4658
44755	7590	05/08/2006	EXAMINER	
SHELLEY M. BECKSTRAND 61 GLENMONT ROAD WOODLAWN, VA 24381			KRAMER, JAMES A	
			ART UNIT	PAPER NUMBER
			3627	
DATE MAILED: 05/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/815,313

Applicant(s)

ABER ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/02/06 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes et al. (US Patent number 5,970,475) in view of Cukor (US Patent Number 5,168,444).

Barnes teaches an electronic procurement system and method for trading partners.

Barnes teaches a purchaser (individual employee) submits a requisition for goods or services to a procurement system (enterprise accounting and catalog system). (see for example figure 5 and column 8, lines 36-67).

Barnes further teaches said procurement system (enterprise accounting and catalog system) preparing and submitting a purchase order to supplier system (vendor) (see for example Figure 5, column 8, lines 49-52 and column 13, lines 5-10).

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Barnes further teaches said supplier system (vendor) submits to the procurement system (enterprise accounting and catalog system) an invoice (see for example Figure 5 and column 8, lines 50-53).

Barnes further teaches a confirmation request to the purchaser (individual employee creating the original order) (see for example column 8, lines 55-56). Examiner further notes that the confirmation by the user can be either negative confirmation or positive confirmation (see for example column 23, lines 28-43).

Examiner notes that the combination of Barnes fails to teach receiving paper copies of invoices, scanning the paper copies and storing the invoice image in an image store.

Cukor, as stated in previous Office Actions teaches a system and method of processing document images. In particular, when a paper document is received it is scanned by a remote station and saved to an image file server. A microcomputer serves as a controller for the scanner and provides a data file by which transaction-related information is associated with the captured images (column 6; lines 33-36).

Cukor further teaches, in a situation where a company already has a fully operational and satisfactory computer-based system for invoicing, which includes data files containing transaction related information, associating a separate image file server to these files (column 8; lines 5-30).

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Barnes by including the invoice scanning and file server of Cukor and associating it with the electronic invoice information of Barnes in order to allow a vendor with out Internet or computer access to submit invoice to the company and have the company process them electronically.

Examiner notes that the combination of Barnes. in view of Cukor et al. does not teach providing an image data of an invoice with the same look as the paper version.

The common knowledge or well-known in the art statement made by the Examiner in the Office Action mailed 1/14/04 is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of Official Notice or the traverse was inadequate (MPEP2144.03(C)). Examiner further supports this position by the teaching of Kolling et al. noted in the Office Action mailed 1/12/05. It is therefore admitted as Prior Art for software developers to develop electronic forms that look and feel just like their paper counterparts in order provide the end user with a system they are already familiar with.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Barnes in view of Cukor et al. so that the invoice image presented to the authorizing user looked and felt just like a paper version in order to provide the authorizing users with a system they are already familiar with.

***Response to Arguments***

Applicant's arguments filed 2/02/06 have been fully considered but they are not persuasive.

Applicant's asserts that amending "as one of" to "selectively" that the claims now recite the capability to perform both electronic invoicing and paper invoice (also negative and positive confirmation). Examiner respectfully disagrees. The term "selectively" is interpreted in the alternative and therefore does not change the scope of the claim.

If Applicant wishes the claims to include both paper and electronic invoice Examiner suggests including separate steps for each. for example:

- Receiving from first vendor an invoice of goods or services as an electronic invoice for processing by said enterprise accounting and catalog system
- Receiving from second vendor an invoice for goods and services as a paper invoice for processing to said enterprise accounting and catalog system by accounts payable personnel other than said individual employee.

Examiner notes that in order to include both positive and negative confirmation capabilities similar amendments would be required.

Examiner further notes that even with these amendments, Examiner believes the prior art of record teaches such capabilities as explained in the rejection above.

Applicant asserts that it is the original user that confirms the vendor invoice. Examiner believes this issue is resolved by Barnes.

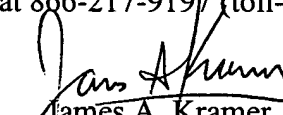
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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James A. Kramer  
Examiner  
Art Unit 3627

jak  
5/3/06